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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LUIS GARCIA,

Plaintiff,

vs.

COUNTY OF SANTA BARBARA,  
DEPUTY CHRISTOPHER CORBETT,  
and DOES 1-10, inclusive.

Defendants.

Case No. CV 08-04978 SJO (CTx)

**~~PROPOSED~~ PROTECTIVE ORDER  
FOR INFORMATION EXCHANGED  
IN DISCOVERY AND OTHER  
PROCEEDINGS BEFORE THE  
MAGISTRATE JUDGE** *as modified**by the court.*  
Honorable Carolyn Turchin, Magistrate  
Judge

PURSUANT TO THE STIPULATION of the parties in the above-entitled action the Court issues the following regarding the exchange of all documents concerning peace officer personnel records as defined by Cal. Penal Code §§ 832.7 and 832.8, and records described by Cal. Evidence Code §§ 1043, 1045, and 1046, during the discovery process and other proceedings before the magistrate judge, and, in particular, documents produced by Defendants in response to Plaintiff's Requests for Production 5, 8, 9, 10, 11 and 12.

The parties hereby agree and stipulate that those documents exchanged are

1 confidential and privileged under state law and as such further agree to the following:

2 1. The documents subject to the protective order concern allegations of police officer  
3 misconduct made by citizen complainants regarding incidents other than the incident at  
4 issue in this litigation. The documents subject to the protective order are located within  
5 two files created and maintained by the Santa Barbara County Sheriff's Department's  
6 Internal Affairs Division. Those files contain some or all of the following categories of  
7 documents: (a) investigative summary; (b) conclusion; (c) administrative case review  
8 and recommendations; (d) witness interview summaries and handwritten interview notes;  
9 (e) completed citizen complaint forms; (f) correspondence; (g) offense and incident  
10 reports; (h) confidentiality orders to Sheriff's Department witnesses; and (g) investigative  
11 materials regarding the complainants.

12 The Sheriff's Department keeps all of these records confidential, in part, to protect  
13 the privacy interests of the peace officer subjects of citizen complaints, the complaining  
14 citizens and other third party witnesses in the information these individuals disclosed and  
15 that the department investigators discovered during the investigation. The Department  
16 also has an institutional interest in maintaining the confidentiality of this information to  
17 encourage free and unfettered use of the citizen complaint process, and the impartial  
18 disclosure of all relevant information by complainants, subjects and witnesses during the  
19 investigation. To protect these interests, the Sheriff's Department orders all members of  
20 the Department who are asked to provide information during an investigation of a citizen  
21 complaint to fully cooperate, to disclose all information and facts that may be asked of  
22 them, and to not discuss the case or their involvement in it with anyone. Any  
23 Department employee that violates the confidentiality order is subject to immediate  
24 disciplinary action for insubordination. For these reasons, the Sheriff's Department has  
25 not only maintained the confidentiality of the files subject to this stipulation for a  
26 protective order since they were created, it will also ultimately destroy them pursuant to  
27 the California Penal Code and Sheriff's Department policy.

1 2. A protective order is necessary to protect the statutory privileges and privacy  
2 interests under the California Constitution of the peace officer subjects of citizen  
3 complaints, the complaining citizens and other third party witnesses mentioned in the  
4 documents. Because the documents subject to the order do not involve the actions at  
5 issue in this litigation the privacy interests under these circumstances are greater in  
6 relation to the probative value of the information than they would be if the investigation  
7 records concerned the same incident as this litigation.

8 3. The documents disclosed and delivered to plaintiff's counsel of record in  
9 discovery are confidential and privileged, and plaintiff's counsel shall be responsible for  
10 insuring that the terms of this order are complied with.

11  
12 (a) Such information will be treated by plaintiff and her representatives as  
13 confidential, and will not be used for any purpose beyond that of the  
14 above-referenced litigation;

15  
16 (b) Such information may be disclosed to the plaintiff's representatives,  
17 including attorneys and experts, as is necessary for purposes of the  
18 above-referenced litigation;

19  
20 (c) The designation of materials as confidential does not entitle the parties  
21 to have those materials filed under seal;

22  
23 (d) Use of any of the confidential information in motions or other materials  
24 filed with the court will be pursuant to an application to the District Judge to  
25 submit such confidential information under seal;

26  
27 (e) Any application to file materials under seal must: (1) comply with Local  
28

1 Rule 79-5; (2) seek to file under seal only those portions of the materials  
2 that are confidential; (3) be supported by an appropriate showing; and (4) be  
3 made to the judicial officer presiding over the proceedings in question.

4  
5 (f) Upon final conclusion of the above-referenced litigation, all designated  
6 confidential materials will be returned to defendants.

- 7  
8 4. The the documents and the information contained therein shall be kept  
9 confidential and shall be used solely in connection with the preparation and trial of  
10 the above civil case and for no other use. *unless otherwise ordered*  
11 *by the court or required by law. CT*
- 12 5. The upon final disposition of this case plaintiff's counsel shall promptly, without  
13 request or further order of the court, return all discovered documents and  
14 photocopies and/or reproduction of those discovered documents to the attorney of  
15 record for defendants.

16  
17 Dated: 9/18/09

18   
Honorable Carolyn Turchin, Magistrate Judge